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October 7, 2021

BY ECF

Honorable Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *J.L., et al. v. NYC Dep't of Education, et al.*,
No. 17-CV-7150 (WHP) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to represent Defendants New York City Department of Education (DOE) and Chancellor Meisha Porter in the above-referenced matter, in which Plaintiffs allege that their rights were violated due to alleged systemic delays in providing their children coordinated nursing, transportation, and porter services.

I write to respectfully request: (1) an extension of time, *nunc pro tunc*, from October 4, 2021 until October 14, 2021, for Defendants to file their opposition letter to Plaintiff's letter dated September 9, 2021 (Dkt. No. 179), wherein Plaintiffs seek to compel the production of a sample of documents withheld by Defendants under various privileges; and (2) a corresponding extension of time, from October 8, 2021 until October 19, 2021 for Plaintiffs to file their reply letter. I apologize to the Court for the lateness of this request. Counsel for Plaintiffs do not take a position as to Defendant's request and seek to proceed with the Case Management Conference scheduled for October 14, 2021 at 12:00 p.m. Defendants consent to Plaintiffs' corresponding request for an extension.

The reason for the requested enlargement is that I was out sick for the better part of two days this week, on October 4 and October 5, 2021. Pursuant to the Court's Order dated August 20, 2021 (Dkt. No. 177), early this morning, Defendants produced to the Court for *in camera*

review the documents at issue in Plaintiffs' motion to compel. I had also intended to contemporaneously file Defendants' substantive opposition letter. But, unfortunately, I inadvertently saved over my finalized draft of the letter and lost all of my work. My office's IT Department is currently endeavoring to retrieve a prior version of the file so that I do not have to redraft the opposition letter from scratch. The enlargement of time, therefore, will enable me to retrieve the file, and, if not, to redraft the letter.

Accordingly, Defendants respectfully request an extension of time, until October 14, 2021, to file their opposition letter to Plaintiffs' motion to compel, and a corresponding extension of time, until October 19, 2021, for Plaintiffs to file their reply letter.

I thank the Court for its consideration of the within.

Respectfully submitted,

s/
Philip S. Frank
Assistant Corporation Counsel

cc: All counsel (via ECF)

Given the extension of deadlines for the pending motion to compel, the case management conference scheduled for October 14, 2021 at 12:00 p.m. is hereby rescheduled to a telephonic conference on **Tuesday, October 26, 2021 at 3:00 p.m.** The parties are directed to call into Judge Parker's AT&T line for the call. Please dial (866)434-5269, access code: 4858267.

APPLICATION GRANTED

Katharine H. Parker
Hon. Katharine H. Parker, U.S.M.J.
10/8/2021